



State of New Jersey

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The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 14310-14 T.C.

AGENCY DKT. NO. C289078 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Petitioner's request for an extension of Emergency Assistance ("EA") benefits under the Housing Assistance Program ("HAP") pilot. The Agency denied Petitioner's request for an extension of EA benefits because Petitioner had exhausted the available assistance allotted under HAP. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 2, 2014, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 29, 2014, the ALJ issued an Initial Decision, which reversed the Agency's action.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I REJECT the ALJ's Initial Decision and AFFIRM the Agency's determination.

The purpose of the Work First New Jersey ("WFNJ") Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. N.J.S.A. 44:10-56. Temporary Assistance for Needy Families ("TANF") is a component of WFNJ that provides cash assistance to adults with dependent children. N.J.A.C. 10:90-1.1(b).

Pursuant to N.J.A.C. 10:90-2.3(a), "eligibility for cash assistance benefits shall be limited to a lifetime total of 60 cumulative months for an adult individual recipient." See also N.J.A.C. 10:90-1.1(d) ("Assistance benefits provided under WFNJ are time-limited and considered a temporary cash subsidy"). However, an individual may receive additional months of cash assistance if he/she qualifies for an exemption to, or extension of, the time limit, as set forth at N.J.A.C. 10:90-2.4 and 2.5 respectively. The goal of WFNJ is to help the recipient achieve self-sufficiency through obtaining employment and removal from the program. See N.J.S.A. 44:10-62(a).

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). Only WFNJ recipients and SSI recipients are eligible for EA benefits. N.J.A.C. 10:90-6.2.

HAP is a pilot program which expands upon the granting of EA extensions. HAP was designed to provide additional housing assistance to WFNJ and Supplemental Security Income ("SSI") recipients, facing imminent homelessness, who are unemployable due to "disabilities that prevent them from finding employment." See 43 N.J.R. 2715(a); see also N.J.A.C. 10:90-6.10(a)(1).

To be eligible for HAP, one or more criteria must be met. N.J.A.C. 10:90-6.10(a)(i). One of the criteria is that the recipient can demonstrate that they have "applied for and is either pending approval or appealing a denial of Retirement, Survivors and Disability Insurance ("RSDI") and/or SSI disability benefits, which shall be supported by a MED-1 form substantiating at least 12 months of disability." N.J.A.C. 10:90-6.10(a)(1)(i). The purpose of establishing that an individual is disabled for at least 12 months through a certified MED-1 form is to show that the individual is unable to engage in regular employment. See 43 N.J.R. 2715(a) and N.J.A.C. 10:90-4.10(a)(2).

The record in this matter reflects that Petitioner was terminated from TANF because she exhausted her lifetime limit of TANF benefits. See Initial Decision at 2. Therefore, since Petitioner was no longer a TANF recipient, she was ineligible for EA benefits under HAP. However, at the time of the hearing, Petitioner testified that she had applied for SSI and an appeal was pending; and provided a Med-1 form indicating a 12-month disability. See *id.* at 2-3. Therefore, this Med-1 form and pending SSI appeal could support Petitioner's eligibility for continued TANF benefits, as well as any other services she may be deemed eligible for. See N.J.A.C. 10:90-2.4.

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Accordingly, Petitioner is advised to re-apply for TANF benefits and to provide the Agency with proof of her pending SSI appeal. If the Agency denies these benefits, Petitioner is without prejudice to request another fair hearing. See N.J.A.C. 19:90-9.3.

Based on the foregoing, the Initial Decision is REJECTED and the Agency's action AFFIRMED.

FEB 27 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Deputy Director